

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 25 2008

MOLLY DWYER, ACTING CLERK
U.S. COURT OF APPEALS

MARCO ANTONIO ARCE-VALDEZ,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 06-71917

Agency No. A90-559-083

MEMORANDUM *

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted March 18, 2008**

Before: CANBY, T.G. NELSON and BEA, Circuit Judges.

Marco Antonio Arce-Valdez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

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immigration judge's order denying his motion to seek relief pursuant to former Immigration and Nationality Act § 212(c). We have jurisdiction under 8 U.S.C. § 1252. We review questions of law de novo, *Avila-Sanchez v. Mukasey*, 509 F.3d 1037, 1039-40 (9th Cir. 2007), and we deny the petition for review.

We reject Arce-Valdez's constitutional challenge to 8 C.F.R. § 1003.44(k)(2). *See id.* at 1041.

We need not reach Arce-Valdez's remaining contentions.

PETITION FOR REVIEW DENIED.